



**CITY COUNCIL MEETING MINUTES ~ APPROVED
MAY 9, 2018 AT 6:00 PM**

City Hall ~ 82877 Spruce St., Westlake, OR

These proceedings of the Dunes City Council were recorded and are on file at Dunes City Hall. Upon approval by the City Council, these minutes will be available online at www.DunesCity.com

1. CALL TO ORDER

Mayor Robert Forsythe called the Wednesday, May 9, 2018, meeting of the Dunes City Council to order at 6:00 pm.

2. ROLL CALL

Roll Call was taken by City Administrator/Recorder Jamie Mills.

Present: Mayor Robert Forsythe, Council President Sheldon Meyer, Councilor Susan Snow, Councilor Duke Wells, Councilor Tom Mallen, and Councilor Robert Orr. Councilor Alan Montgomery arrived at 6:04 pm.

Also Present: Administrative Assistant Rapunzel Oberholtzer and several Dunes City residents.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

Councilor Mallen made a motion to approve the Agenda. Councilor Wells seconded the motion. The motion passed by unanimous vote.

5. APPROVAL OF THE CONSENT AGENDA

Councilor Orr made a motion to approve the Consent Agenda. Councilor Mallen seconded the motion. The motion passed by unanimous vote.

6. ANNOUNCEMENTS / CORRESPONDENCE

City Administrator/Recorder Mills read from the list of announcements on the Agenda:

- A. A Budget Committee meeting is scheduled for May 15, 2018, at 5:00 pm at which time the Budget Message and the proposed Budget will be presented.

- B. The 6th Annual Oregon Dunes Triathlon will be held this Saturday, May 12, in Dunes City. We can still use some volunteers to help staff the race courses. Please call Rapunzel at City Hall to register.

7. OLD BUSINESS

A. City Building Program

City Administrator/Recorder Mills referred Councilors to a copy of a draft letter to the Enforcement Manager of the Building Codes Division (BCD) written by Mrs. Mills on behalf of the City to request an extension of time to respond to BCD's April 23, 2018, letter and notice with a list of questions. She asked Councilors to review the letter.

Councilors agreed that the letter was well written and authorized City Administrator/Recorder Mills to send it.

Mayor Forsythe explained that the Council had met with attorneys for Dunes City and the League of Oregon Cities (LOC) in an Executive Session on May 7 to review legal options available to cities in the wake of BCD's notices that several cities are violating rules of the BCD's building program. He went on to note that, following the Executive Session, the Council instructed City Administrator/Recorder Mills to inform the attorney for the LOC that Dunes City intended to take legal action against the State and BCD. He noted that it would likely take several weeks for the lawsuits to unfold; he will provide updates as they become available. Mayor Forsythe encouraged everyone in the audience and watching the video of the meeting to make their government representatives aware of their objections to the State's and BCD's actions.

B. Agreement with CwM-H2O for Installation of Metering Device on Woahink Creek

City Administrator/Recorder Mills explained that the Agreement with CwM included in Councilors' meeting packets was for the installation of a metering device at the weir on Woahink Lake. She went on to explain that the owner of the property where the weir is located has agreed to allow the City and CwM to access the property to install the meter and to maintain it when necessary, and the agreements between Dunes City and the property owner are being prepared and reviewed by the City Attorney.

City Administrator/Recorder Mills noted the CwM's cost was less than \$10,000, within the amount the City has budgeted for the project.

Mayor Forsythe asked City Administrator/Recorder Mills to have the City Attorney review the Limitation of Liability paragraph on page two of the Terms and Conditions. He was concerned that the aggregate liability of CwM, according to the T&C, was only \$25,000 which might not be enough if anything happened to contaminate the drinking water supply or if any other damages were to occur.

City Administrator/Recorder Mills mentioned that the City will no longer be entitled to receive shared revenue from State entities because it has never levied any city taxes. During discussion, Councilors agreed that the City should further discuss the issue of levying a small tax and whether or not the tax could be on the November ballot.

Council President Meyer made a motion authorizing the City Administrator/Recorder to move forward with the CwMH2O agreement, pending review of the limits of liability by the City Attorney. Councilor Orr seconded the motion. The motion passed by unanimous vote.

8. EXECUTIVE SESSION

There was none.

9. NEW BUSINESS

A. Litter Cleanup/Signage on Canary Road/Possible New Committee

Mayor Forsythe recognized Ms. Kath Cook, a Dunes City resident. Ms. Cook thanked the Council for including this subject on the Agenda for further discussion after she broached it in the April meeting. Ms. Cook asked why Dunes City no longer had volunteer committees. Council President Meyer explained that the reason that many of the City's standing committees were dissolved was because volunteers stopped participating and attending meetings but, if there is a need, the City could reinstate a committee at any time. Ms. Cook offered to try to recruit volunteers for a committee to focus on road cleanup.

10. PUBLIC HEARINGS

There were none.

11. CITIZEN INPUT ON ITEMS NOT LISTED ON THE AGENDA

There was none.

12. REPORTS

- A. Mayor's Report: Mayor Forsythe provided an update on the BCD issues earlier in the meeting. He again encouraged citizens to write or call their elected State and federal officials about their objections to BCD's draconian and overreaching rule changes.
- B. Community Center Report: Councilor Wells reminded everyone that the Triathlon will be this weekend.

- C. Water Quality Report: Council President Meyer reported that the test results were still very good. He noted that the Oregon Health Authority has issued new limits for levels of cyanotoxins in water.
- D. Public Works Maintenance Supervisor's Report: City Administrator/Recorder Mills reported that the City's grant application for repairs to Huckleberry Lane and Wright Road was approved by ODOT. She went on to thank the County roads department for all their work on brushing and sweeping the County roads in Dunes City in preparation for the Triathlon.
- E. Emergency Services Report: City Administrator/Recorder Mills reported that she attended the April WLEOG meeting. Of particular note, she went on to explain, is that SVFR is expecting this summer to be very, very dry and reminds everyone to make sure that their defensible space is clear. Council President Meyer mentioned that he'd heard that the State is warning of a higher than normal tick season because of the dry and warm weather and urges citizens to use appropriate safeguards outside and to check for ticks when returning inside.
- F. City Administrator/Recorder/Planning/Staff Report: City Administrator/Recorder Mills reported that: there were six building permits and three public works permits issued in April; the Planning Commission will hold a public hearing on a Conditional Use Permit on May 29 beginning at 6:00 pm; and, the majority of her time in the past month has been spent on investigating and participating in discussion about the City's building program as well as working on three versions of a budget to present to the Budget Committee.

13. FOR THE GOOD OF THE ORDER

Councilor Wells noted that BCD's actions of late were one of the biggest assaults on the City in its history, and the actions would impact not only Dunes City but, eventually, every city in the State. He went on to encourage residents to write or call their government representatives to protest.

Council President Meyer noted that Senator Roblan and Representative McKeown, among others, are working to force a delay in the implementation of BCD's new rules until comments and testimony can be heard in the next legislative session.

14. ADJOURNMENT

Councilor Mallen made a motion to adjourn. Councilor Wells seconded the motion. The motion passed by unanimous vote.

Mayor Forsythe adjourned the meeting at 6:41 pm.

(Signatures next page)

APPROVED BY THE DUNES CITY COUNCIL ON THE 13th DAY OF JUNE 2018

[Signed copy available at City Hall]

Robert Forsythe, Mayor

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator/Recorder